

Rodney-Dale, class
Private Attorney General
P.O. Box 435
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704 740 5938

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
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CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Rodney, D – class, Public Servant Since 2000
A 42 USC 1988 PROXY FOR THE PUBLIC
Private Attorney General
By Legislation Appointment
Constitutional 14th Amendment Bounty Hunter

CASE #8:17-cv-00131

On Behalf of class of people
Randolph M., rabbe &
Lisa A., rabbe Claimant

Living Being(s) and Citizen(s)

RANDOLPH MICHAEL RABBE
AND LISA ANN RABBE,

8:17-CV-131

Plaintiffs,

vs.

ENTRY OF APPEARANCE

WELLS FARGO HOME
MORTGAGE, INC. AND WELLS
FARGO, N.A., Wallentine O'Toole, LLP
and Jonathan M. Brown, #25021

Defendants.

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Defendants.

ENTRY OF APPEARANCE

NOW.COMES THIS Living Being known by, Rodney-Dale, class in law being. As a Private Attorney General to file an Entry of Appearance on behalf of the class of People (HEREIN after Living Being) and not a Corporation for Solomon E., mason the living being with blood and soul, when there are no victim other the class Living Beings like Solomon E., mason.

Below is the History as found in the United States Attorney Manual and by Act of Congress, in the Judiciary Act of 1798 that the United States Attorney does not need a Bar Card to practice Law in the United States district court.

Who is Qualify to act as an attorney under the United States Attorney's Manual

“a meet person learned in the law to act as a attorney for the United States ”

3-2.000 - United States Attorneys, AUSAs, Special Assistants, And The AGAC

3-2.110 - History

The Office of the United States Attorney was created by the Judiciary Act of 1789 which provided for the appointment "**in each district of a meet person learned in the law to act as attorney for the United States** ... whose duty it shall be to prosecute in each district all delinquents for crimes and offenses, recognizable under the authority of the United States, and all civil actions in which the United States shall be concerned.

To required this Private Attorney General to have a Bar Card , to what is not required by law under this Court creation will be a direct violation of this Court creation.

“To Deny” My Entry of Appearance in this case “SHALL” be in direct violation of your rules of Ethic , and 6th amendment violation to the Federal Bill of Rights First 10 Amendments to the Federal Bill of Rights and Louisiana own legislation supreme court creation rules under rule 17 next friend and by statutes.

Whereas Louisiana Congressional Legislated has not enactment or created the Louisiana Bar Association to need a bard card is moot and to demand a Bar Card that lack Congressional creation is moot.

THIS Court and all Federal Court was created by Act of Congress and so was the Private Attorney General position.

This position was given to the People and the Authority to bring claims of actions against the system when it become corrupt and abusive..

Thirty-Ninth Congress Sess. I CH 31 1866 Chap XXXL "An Act to protect all Persons in the United States in their Civil Rights, and Furnished the Means of their Vindication

Public Law 90-170 Dec 29 1979 93 stat 1284 United States Statutes at Large Volume 93 1319 93 stat 1284

U.S. Code >Title 18> Part I> Chapter 21 >§ 402

18 U.S. Code § 402 - Contempts constituting crimes

Any person, corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by a fine under this title or imprisonment, or both.

Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of \$1,000, nor shall such imprisonment exceed the term of six months.

Federal Tort Claims Against Federal Judiciary Personnel

The Federal Tort Claims Act (FTCA) sets forth procedures for presenting and resolving administrative monetary claims for personal injury, property damage, or death arising from the alleged negligence of officers and employees of the federal judiciary acting in the scope of their official duties.

Judiciary Policies

The following policy guidance governs the national operations of the federal judiciary.

Ethics

Code of Conduct for U.S. judges

Code of Conduct for Judicial Employees

“Law” encompasses court rules as well as statutes, constitutional provisions, and decisional law. See Rules

Federal Rules of Civil Procedure

Rule 17. Plaintiff and Defendant; Capacity; Public Officers

(a) REAL PARTY IN INTEREST.

(1) Designation in General. An action must be prosecuted in the name of the real party in interest. The following may sue in their own names without joining the person for whose benefit the action is brought:

(A) an executor;

(B) an administrator;

(C) a guardian;

(D) a bailee;

(E) a trustee of an express trust;

(F) a party with whom or in whose name a contract has been made for another's benefit; and

(G) a party authorized by statute.

CREATION OF NEBRASKA COURT

ARTICLE V. JUDICIAL BRANCH

§1. Judicial Power

Section 1. The judicial power is vested in a supreme court, courts of appeal, district courts, and other courts authorized by this Article.

ARTICLE II. DISTRIBUTION OF POWERS

§1. Three Branches

Section 1. The powers of government of the state are divided into three separate branches: legislative, executive, and judicial.

§2. Limitations on Each Branch

Section 2. Except as otherwise provided by this constitution, no one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others.

Court creation by legislation

U.S. Code › Title 36 › Subtitle II › Part B › Chapter 705 › § 70503

(c)Grounds for Disqualification.—An individual may not be a member, director, or officer of the corporation if the individual—

- (1) is a member of, or advocates the principles of, an organization believing in, or working for, the overthrow of the United States Government by force or violence; or
- (2) refuses to uphold and defend the Constitution of the United States.

“To Deny” My Entry of Appearance would violate yours Rules of Court under supreme court court rules..

Rodney-Dale,class
Private Attorney General
P.O. Box 435
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(704) 740 5938

Rodney Dale Class



CERTIFICATE OF SERVICE

Now, Comes, this Living Being known as Rodney-- Dale ,class to file this Entry of Appearance before this Clerk of Court in this year of our Lord 2017 AD on this Month of Sept and day of 20th

The opposing party will be notify by Fedex.

Rodney Dale Class

Rodney-Dale, class
Private Attorney General
P.O. Box 435
High Shoals, North Carolina 28077
(704) 740 5938

cc

Mr. Jonathan M. Brown
VALENTINE & O'TOOLE
11240 Davenport Street
Omaha, NE 68154-012

**INTRODUCTION OF
CONGRESSIONAL CREATION AUTHORITY**

NOW, COMES Rodney Dale class by Congressional enactment to hold the position as a Private Attorney General on behalf of the people of the United States of America and or any other State of the Union and on behalf of Joseph W. Mines, Jr.

The fact don't lie. Congress has created the first two position the Courts and its officers and the position of the Private Attorney General.

There are three things that need to be pointed out.

I Rodney Dale class will point out that the 4 position found in the Judiciary Act list below are and was by Congressional enactment and by Congress "AUTHORITY" not by self appointment.

I Rodney Dale class will also show by Congressional appointment that the Private Attorney General is in fact by act of Congress "AUTHORITY"

First Point Courts

1 The congressional creation of the Federal Courts and inferior court that can only be created by the Constitution or by Legislative enactment .

2 All Agencies or administration are created by some enactment of Congress.

3 The Judiciary Act as shown below created four public offices.

4 Federal Judges and Attorneys for the federal court are appointed by Congressional consent.

Court creation by Congressional enactment; How in the same manner it created the Federal Court System in 1789 under the Judiciary Act. The Judiciary Act created four position 1. The Federal Court 2. The U.S. Marshall Service, 3. The United States Attorney Office and 4. The Department of Justice. See the History of the United States Attorney Position. If Congress can created these

The Judiciary Act of 1789, officially titled "An Act to Establish the Judicial Courts of the United States," was signed into law by President George Washington on September 24, 1789. Article III of the Constitution established a Supreme Court, but left to Congress the authority to create lower federal courts as needed. Principally authored by Senator Oliver Ellsworth of Connecticut, the Judiciary Act of 1789 established the structure and jurisdiction of the federal court system and created the position of attorney general. Although amended throughout the years by Congress, the basic outline of the federal court system established by the First Congress remains largely intact today.

The office of United States Marshal was created by the First Congress. President George Washington signed the Judiciary Act into law on September 24, 1789. The Act provided that a United States Marshal's primary function was to execute all lawful warrants issued to him under the authority of the United States

The Office of the United States Attorney was created by the Judiciary Act of 1789 which provided for the appointment **"in each district of a meet person learned in the law to act as attorney for the United States ...** whose duty it shall be to prosecute in each district all delinquents for crimes and offenses, recognizable under the authority of the United States, and all civil actions in which the United States shall be concerned ..." 1 Stat. 92. Initially, United States Attorneys were not supervised by the Attorney General (1 Op. Att'y Gen. 608) but Congress, in the Act of August 2, 1861, (Ch. 37, 12 Stat. 185) charged the Attorney General with the "general superintendence and direction duties ..." While the precise nature of the superintendence and direction was not defined, the Department of Justice Act of June 22, 1870 (Ch. 150, 16 Stat. 164) and the Act of June 30, 1906 (Ch. 39, 35, 34 Stat. 816) clearly established the power of the Attorney General to supervise criminal and civil proceedings in any district. See 22 Op. Att'y Gen. 491; 23 Op. Att'y Gen. 507. Today, as in 1789, the United States Attorney retains, among other responsibilities, the duty to "prosecute for all offenses against the United States." See 28 U.S.C. Sec. 547(1). This duty is to be discharged under the supervision of the Attorney General. See 28 U.S.C. Sec. 519.

The Office of the Attorney General was created by the Judiciary Act of 1789 (ch. 20, sec. 35, 1 Stat. 73, 92-93), as a one-person part-time position. The Act specified that the Attorney General was to be "learned in the law," with the duty "to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments."

Second Point Private Attorney General

Private Attorney General authority by Congressional enactment; Let me explain and give you all a little history of the creation of The Private Attorney General Position and its creation by Act of Congress in 1866Thirty-Ninth Congress Sess. I CH 31 1866 Chap XXXL "An Act to protect all Persons in the United States in their Civil Rights, and Furnished the Means of their Vindication Public Law 90-170 Dec 29 1979 93 stat 1284 United States Statutes at Large Volume 93 1319 93 stat 1284 And

Congressional enactment to the amendments; . If Congress can amendment any part of the U.S. Constitution and created new amendments then when the 14th amendment was created to create how all public office in every State in the United States and under Federal jurisdiction comes under section 2, 3 and 4. and section one only give privileges or immunities to those under section 2 and 3.

The Section 4 of the 14th amendment is the Federal Bounty Hunter side. This allows anyone who is learned in the Law to act as a "Private Attorney General" in the same manner that the Attorney General for the State bring claim in the name of the State.

Private Attorney General bring a claim of action in the name of the people to recover wages, property, assets, stocks, bonds owned by those who breach their Oath and Ethics that hold a Public office who abuse, Misuse or in misconduct of that public office.

The State can now receives **2/3** of the assets back from that "**Public Officials**" asset after Liquidating all assets of that public official properties And

- a) the 14th amendment Citizen gets a $\frac{1}{3}$ of the assets for reporting breach of public office as his fee for reporting the crime And
 - b) The Bounty Hunter collect $\frac{1}{3}$ of the public bond and the other $\frac{2}{3}$ of the public bond goes back to the State And
 - c) The Private Attorney General collects Attorney fees from the State for Prosecuting on behalf of the name of the People when the Attorney General office refuses to prosecute such action.
- This Now becomes a Tort Claim

Third Point Bar Association

I Rodney Dale class will now point out that there is no Congress "AUTHORITY" or Congressional creation for the Bar Association, "But" are self appointed member of a private association with no legislation creation.

Now come the question is were is the Congressional enactment for any Bar Association to hold standing in any court when their no act of Congress "AUTHORITY". Or an act to create such association.

When the Bar was self appointing members of a private association created in Florida in 1889?

The history of the Bar Association and the facts of its own self creation

Recorded history of the bar in Florida dates from 1889. It consisted of a small voluntary group of lawyers when the state's population was less than 400,000. Out of this grew the Florida State Bar Association in 1907. Still a voluntary organization, it concentrated its attention on publishing a legal journal, drafting court procedures, and presenting occasional educational courses for lawyers. It helped provide legislative reform relating to the courts and the legal profession. Membership in this voluntary association never exceeded 2,500 lawyers.

Brief History Of The American Bar Association. The ABA was founded on August 21, 1878, in Saratoga Springs, New York, by 100 lawyers from 21 states. The legal profession as we know it today barely existed at that time. Lawyers were generally sole practitioners who trained under a system of apprenticeship.

Fourth Point of Order

Their only two position out of three that has standing in law and by Congressional consent.

The lawyer or attorney in the courtroom are not one of those position..

If fact for willful failure to up hold the law and the Constitution they have automatically violate this section of the Federal Bar charter.

Let me show what Congress has created under Title 36 USC chapter 705 section 70503

(c) Grounds for Disqualification.—An individual may not be a member, director, or officer of the corporation if the individual—

(1) is a member of, or advocates the principles of, an organization believing in, or working for, the overthrow of the United States Government by force or violence; or

(2) refuses to uphold and defend the Constitution of the United States.

So why is this man Burr Foreman still allowed to question or challenging my right to come before this court on behalf of the people of Florida and on behalf of Joseph W. Mines, Jr in this action.

He hold no legislative right or authority to make any challenge before this court under any Enactment of Congress.

I therefore pray that his motion be stricken from the record.

Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary

Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities

Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently

Florida Canon Rules “Law” denotes court rules as well as statutes, constitutional provisions, and decisional law

Where does the Bar Association fall under any of these four things.

CONCLUSION

This State of All State is aware of the history of this private association and its being and that their legislation to support it standing other than it has a history that has never been challenged until now.

I Rodney Dale class will point out by the Rules of Court I have standing that number 1 : see below

First let start with both Florida State civil rule and Rules of Evidence and both the Federal civil rules and rules of evidence.

Florida Canon Rules are clear under the term Law; it entails four issue Court rules Constitution ,statutes and decisional law and

“Impartiality” or “impartial” denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.

Party of interest rule 17

Florida Rules of Civil Procedure

RULE 1.210 PARTIES

(a) Parties Generally. Every action may be prosecuted in the name of the real party in interest, but a personal representative, administrator, guardian, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, **or a party expressly authorized by statute** may sue in that person's own name without joining the party for whose benefit the action is brought. All persons having an interest in the subject of the action and in obtaining the relief demanded

may join as plaintiffs and any person may be made a defendant who has or claims an interest adverse to the plaintiff. Any person may at any time be made a party if that person's presence is necessary or proper to a complete determination of the cause. Persons having a united interest may be joined on the same side as plaintiffs or defendants, and anyone who refuses to join may for such reason be made a defendant.

TITLE IV. PARTIES Rule 17. Plaintiff and Defendant; Capacity; Public Officers (a) REAL PARTY IN INTEREST. (1) Designation in General. An action must be prosecuted in the name of the real party in interest. The following may sue in their own names without joining the person for whose benefit the action is brought: (A) an executor; (B) an administrator; (C) a guardian; (D) a bailee; (E) a trustee of an express trust; (F) a party with whom or in whose name a contract has been made for another's benefit; and **(G) a party authorized by statute.**

NOW under these two Rules taken from the State and Federal civil rules both state;

by authorized by statutes

Show how this party known as Rodney Dale class fails to meet the Canon Rules of Statutes and the Rules of evidence 402

State and Federal rules of evidence Rule 402.

Chapter 90

EVIDENCE CODE

90.402 Admissibility of relevant evidence.—All relevant evidence is admissible, except as provided by law.

Federal Rules of Evidence

Rule 402. General Admissibility of Relevant Evidence Relevant evidence is admissible unless any of the following provides otherwise: • the United States Constitution; • a federal statute; • these rules; or • other rules prescribed by the Supreme Court. Irrelevant evidence is not admissible.

Now for number 2 by authority of statutes

Act of Congress in 1866Thirty-Ninth Congress Sess. I CH 31 1866 Chap XXXL “An Act to protect all Persons in the United States in their Civil Rights, and Furnished the Means of their Vindication Public Law 90-170 Dec 29 1979 93 stat 1284 United States Statutes at Large Volume 93 1319 93 stat 1284

NOW I Rodney Dale class will show my authority under the Constitution for number 3

Article 3 clause 2

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects. **“See the word shall in the first line”**

Article 6 clause 2

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and **the Judges in every State shall be bound thereby**, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. **“See the wording Shall be bound by”**

NOW I Rodney Dale class will show my authority under the Decisional Law

We hold that an employee who, on behalf of himself and other employees, sues an employer under the unfair competition law (Bus. & Prof. Code, § 17200 et seq.) for Labor Code violations must satisfy class action requirements, but that those requirements need not be met when an employee's representative action against an employer is seeking civil penalties under the **Labor Code Private Attorneys General Act of 2004 (Lab. Code, § 2698 et seq.)**.

The eleventh cause of action alleged, under the Labor Code Private Attorneys General Act of 2004 (Lab. Code, § 2698 et seq.), that defendants had violated the Labor Code, labor regulations, and an Industrial Welfare Commission wage order by failing to pay all wages due, to provide itemized wage statements, to maintain adequate payroll records, to pay all wages due upon termination, to provide rest and meal periods, to offset proper amounts for employer-provided housing, and to provide necessary tools and equipment.

In September 2003, the Legislature enacted the Labor Code Private Attorneys General Act of 2004 (Lab. Code, § 2698 et seq.; Stats. 2003, ch. 906, § 2, eff. Jan. 1, 2004). The Legislature declared that adequate financing of labor law enforcement was necessary to achieve maximum compliance with state labor laws, that staffing levels for labor law enforcement agencies had declined and were unlikely to keep pace with the future growth of the labor market, and that it was therefore in the public interest to allow aggrieved employees, acting as private attorneys general, to recover civil penalties for Labor Code violations, with the understanding that labor law enforcement agencies were to retain primacy over private enforcement efforts. (Stats. 2003, ch. 906, § 1.)

NOW , I Rodney Dale class has met the show cause to his standing by Rules of Court Constitution, Statutes and Higher Court Rulings.

The purpose is that fraud is being committed by the opposing party in this action.

As a Private Attorney General its my position to stand in on behalf of a class of people that is being harmed.

I will now point to the Forfeiture under the Constitution 14th amendment for the people

The State can now receives $\frac{2}{3}$ of the assets back from that “**Public Officials**” or of the banks involved in the fraud all asset after Liquidating all assets of that public official properties or banks And the 14th amendment allows the Citizen to gets a $\frac{1}{3}$ of the assets for reporting breach of public office or the fraud plus all bailout , lost shares under FDIC and all derivative from the signature as his fee for reporting the crime And

The Bounty Hunter collect $\frac{1}{3}$ of the public bond and the other $\frac{2}{3}$ of the public bond goes back to the State And

The Private Attorney General collects Attorney fees from the State or federal government for Prosecuting on behalf of the name of the People when the Attorney General office refuses to prosecute such action. This Now becomes a Tort Claim

U.S. Code >Title 18> Part I> Chapter 21 >§ 402

18 U.S. Code § 402 - Contempts constituting crimes

Any person, corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by a fine under this title or imprisonment, or both.

Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the

United States exceed, in case the accused is a natural person, the sum of \$1,000, nor shall such imprisonment exceed the term of six months.

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